

1 Magistrate Judge Paula L. McCandlis
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff
17 v.
18 ALBERINO LOPEZ-CRUZ,
19 Defendant.

20 CASE NO. MJ25-206
21 COMPLAINT for VIOLATION
22 Title 8, U.S.C., Section 1326(a)
23
24

25 BEFORE, United States Magistrate Judge PAULA L. McCANDLIS, U.S.
26 Courthouse, Seattle, Washington.

27 The undersigned complainant being duly sworn states:

28 **COUNT ONE**

29 **(Reentry of Removed Alien)**

30 On or about April 2, 2025, in Whatcom County, within the Western District of
31 Washington, ALBERINO LOPEZ-CRUZ, an alien, a native and citizen of Mexico, was
32 found in the United States after having been removed therefrom, and after knowingly and
33 voluntarily reentering the United States without having obtained the express consent of
34 the Attorney General and the Secretary of the Department of Homeland Security to
35 reapply for admission to the United States.

36 Complaint
37 *United States v. Alberino Lopez-Cruz - 1*
38 USAO # 2025R00469

39 UNITED STATES ATTORNEY
40 700 STEWART STREET, SUITE 5220
41 SEATTLE, WASHINGTON 98101
42 (206) 553-7970

1 All in violation of Title 8, United States Code, Section 1326(a).

2 And the complainant states that this Complaint is based on the following
3 information:

4 I, Special Agent Jordan Dolan, being first duly sworn on oath, depose and say:

5 **INTRODUCTION**

6 1. I am a Special Agent with Homeland Security Investigations (HSI). As a
7 Special Agent, I am empowered by law to investigate and to make arrests for offenses
8 enumerated in Title 8 of the United States Code. I have been a Special Agent with HSI
9 since February 21, 2016. I was trained to conduct investigations relating to violations of
10 federal law through attending the Criminal Investigator Training Program and the
11 Homeland Security Investigations Special Agent Training Program at the Federal Law
12 Enforcement Training Centers (FLETC) in Glynco, Georgia. While at FLETC, I
13 received nearly 1000 hours of training in such areas including, but not limited to
14 criminal law, human smuggling/trafficking investigations, and criminal procedures. I
15 was trained to conduct investigations relating to violations of Title 8 of the United States
16 Code.

17 2. Prior to being a Special Agent with HSI, I was employed as a Border Patrol
18 Agent (BPA) with the United States Border Patrol (USBP), from September 1999 to May
19 2005. As a BPA, I conducted criminal investigations focusing on the entry without
20 inspection and illegal re-entry of undocumented aliens as well as human smuggling of
21 undocumented aliens across the United States border with Mexico.

22 3. The facts set forth in this Affidavit are based on my own personal
23 knowledge; knowledge obtained from other individuals during my participation in this
24 investigation, including other law enforcement personnel; review of documents and
25 records related to this investigation; communications with others who have personal
26 knowledge of the events and circumstances described herein; and information gained
27 through my training and experience. This Affidavit is intended to merely show there is

1 sufficient probable cause for the above charge and does not set forth all my knowledge
2 about this matter.

3 4. As further detailed below, based on my investigation and the investigation
4 of other law enforcement officers, I submit there is probable cause to believe that
5 Alberino LOPEZ-CRUZ, who was previously removed from the United States, was
6 found in the United States after knowingly and voluntarily reentering the United States
7 without prior authorization to do so.

SUMMARY OF PROBABLE CAUSE

9 5. United States Citizenship and Immigration Services (USCIS) maintains an
10 alien registration administration file, commonly referred to as an “A-file,” A201-157-
11 414, on Alberino LOPEZ-CRUZ (hereinafter “LOPEZ-CRUZ”). This file is the official
12 immigration file maintained by USCIS and is a consolidated repository of all known
13 immigration contacts with LOPEZ-CRUZ. It contains documents pertaining to his
14 identity and alienage and shows that he is a native and citizen of Mexico.

15 6. LOPEZ-CRUZ's A-file contains official immigration records of the
16 Department of Homeland Security (DHS). The records in LOPEZ-CRUZ's A-file reflect
17 the following criminal and immigration history relating to LOPEZ-CRUZ:

- a. On February 28, 2011, in the U.S. District Court, District of Arizona, LOPEZ-CRUZ was convicted of one count of Title 8, U.S.C., Section 1325, Illegal Entry into the United States, and was sentenced to two days of imprisonment.
 - b. On February 28, 2011, the United States Border Patrol (USBP) Agent in Charge (acting) in Tucson, Arizona ordered LOPEZ-CRUZ removed from the United States pursuant to an Order of Expedited Removal. LOPEZ-CRUZ was physically removed from the United States to Mexico on February 28, 2011, on foot via the Nogales Port of Entry.

1 c. On April 29, 2011, the USBP Agent in Charge in Sumas,
 2 Washington determined LOPEZ-CRUZ was subject to removal from
 3 the United States through reinstatement of his prior order of
 4 removal. LOPEZ-CRUZ was physically removed from the United
 5 States to Mexico on May 7, 2011, on foot via the San Ysidro Port of
 6 Entry.

7 7. The above removal records bear the fingerprint, photograph, and signature
 8 of LOPEZ-CRUZ as physical proof of his removal from the United States to Mexico.

9 8. On February 26, 2025, HSI Blaine, Washington served a Notice of
 10 Inspection (NOI) and administrative subpoena to the owner of Mt. Baker Roofing,
 11 located at 928 Thomas Rd, Bellingham, Washington 98226. The NOI and subpoena
 12 requested Employment Eligibility Verification Forms (I-9s) and identification documents
 13 for each employee.

14 9. On March 4, 2025, HSI received I-9s and identification documents for the
 15 employees at of Mt. Baker Roofing. Among those I-9 forms, HSI agents located a Form
 16 I-9 with LOPEZ-CRUZ's name and known date of birth. Accompanying LOPEZ-
 17 CRUZ's I-9 was photocopy of Permanent Resident Alien card ("LPR card") that
 18 displayed LOPEZ-CRUZ's biographical information and listed A-number A096-176-951.

19 10. HSI agents conducted DHS systems and databases checks that showed that
 20 LOPEZ-CRUZ was not, and had never been, a legal permanent resident of the United
 21 States, and that he was previously removed from the country. DHS systems checks also
 22 indicated that the A number reflected on the LPR card presented by LOPEZ-CRUZ
 23 (A096-176-951) was not assigned to him.

24 11. On April 2, 2025, HSI, Enforcement and Removal Operations (ERO)
 25 officers, United States Border Patrol (USBP) agents, and Customs and Border Protection
 26 (CBP) officers executed a federal search warrant at Mt. Baker Roofing in Bellingham,
 27 Washington. During the warrant execution, agents questioned LOPEZ-CRUZ and he

1 admitted to being a citizen of Mexico with no legal documentation to remain in the
2 United States. LOPEZ-CRUZ was then placed under arrest for civil administrative
3 immigration violations and transported to ERO's office in Tukwila, Washington for
4 further interviewing and processing.

5 12. At ERO Tukwila, ERO Deportation Officers submitted LOPEZ-
6 CRUZ's fingerprints to the Department of Homeland Security (DHS) IDENT Biometric
7 Database which returned a positive fingerprint match to LOPEZ-CRUZ, assigned A-file
8 A201-157-414. DHS systems checks also showed that A-file A201-157-414 contained
9 evidence of LOPEZ-CRUZ's immigration history into the United States, mentioned
10 above.

11 13. Agents have conducted a complete and thorough review of LOPEZ-
12 CRUZ's A-file A201-157-414. LOPEZ-CRUZ's A-file contains no evidence that
13 Defendant has ever applied for or received permission from the Attorney General or the
14 Secretary of the Department of Homeland Security to reenter the United States after
15 being removed.

16 14. Based on the foregoing, I have probable cause to believe that LOPEZ-
17 CRUZ was found in the United States, after knowingly and voluntarily reentering the
18 United States without the express consent of the Attorney General and the Secretary of
19 the Department of Homeland Security, in violation of Title 8, United States Code,
20 Section 1326(a).

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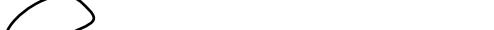
CONCLUSION

3 15. Based on the above facts, I respectfully submit that there is probable cause
4 to believe that Alberino LOPEZ-CRUZ has committed the aforementioned offense.

Jordan Dolan, Complainant
Special Agent, Homeland Security
Investigations

11 The above-named agent provided a sworn statement attesting to the truth of the
12 foregoing Complaint and Affidavit. Based on the Complaint and Affidavit, the Court
13 hereby finds there is probable cause to believe the Defendant committed the offense set
14 forth in the Complaint.

DATED this 16 day of April 2025



HON. PAULA L. McCANDLIS
United States Magistrate Judge